

Sec. 17-6. Zoning ordinance saved from repeal.

Nothing contained in this Code or in the ordinance adopting this Code shall be construed to repeal or otherwise affect the zoning ordinance of the city, being Ordinance Number 360, adopted March 27, 1967, as from time to time amended, and said ordinance as amended is hereby continued in full force and effect.

State law references—Zoning generally, Gov. Code, § 65800 et seq.; scope of municipal authority, Gov. Code, § 65850.

Secs. 17-7—17-20. Reserved.

ARTICLE II. VESTING TENTATIVE MAP*

DIVISION 1. GENERALLY

Sec. 17-21. Citation and authority.

This article is enacted pursuant to the authority granted by chapter 4.5 (commencing with section 66498.1) of division 2 of title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Ordinance. (Ord. No. 741, § 1-1, 12-10-85)

Sec. 17-22. Purpose and intent.

It is the purpose of this article to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this article, the provisions of the Subdivision Ordinance shall apply to the Vesting Tentative Map Ordinance. (Ord. No. 741, § 1-2, 12-10-85)

Sec. 17-23. Consistency.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the General Plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provisions of the City Code or ordinance of the City of Belmont. (Ord. No. 741, § 1-3, 12-10-85)

***Editor's note**—Article II, §§ 17-21—17-25, 17-31—17-33, 17-41—17-43, is derived from Ord. No. 741, adopted Dec. 10, 1985. The existing provisions of Ch. 17, §§ 17-1—17-6, have been designated Art. I.

sions of the City Code or ordinance of the City of Belmont. (Ord. No. 741, § 1-3, 12-10-85)

Sec. 17-24. Definitions.

(a) A "vesting tentative map" shall mean a "tentative map" for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with section 17-31 of this article and is thereafter processed in accordance with the provisions hereof.

(b) All other definitions set forth in the Subdivision Ordinance are applicable. (Ord. No. 741, § 1-4, 12-10-85)

Sec. 17-25. Application.

(a) This article shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or a tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision permit for construction, or work preparatory to construction. (Ord. No. 741, § 1-5, 12-10-85)

Secs. 17-26—17-30. Reserved.

DIVISION 2. PROCEDURES

Sec. 17-31. Filing and processing.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in the Subdivision Ordinance for a tentative map except as hereinafter provided:

- (a) At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- (b) At the time a vesting tentative map is filed, a subdivider shall also supply the following information:
 - (1) Height, size and location of buildings.

- (2) Sewer, water storm drain and road details.
- (3) Information on the uses to which the buildings will be put.
- (4) Detailed grading plans.
- (5) Geological studies on landslide hazards and potential landslide hazards.
- (6) Flood control information, including but not limited to the effect of surface waters generated by the subdivision on adjoining and downstream properties.
- (7) Architectural plans. (Ord. No. 741, § 2-1, 12-10-85)

Sec. 17-32. Fees.

Upon the filing of a vesting tentative map, the subdivider shall pay the fees required for the filing and processing of a tentative map. (Ord. No. 741, § 2-2, 12-10-85)

Sec. 17-33. Expiration.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map. (Ord. No. 741, § 2-3, 12-10-85)

Secs. 17-34—17-40. Reserved.

DIVISION 3. DEVELOPMENT RIGHTS

Sec. 17-41. Vesting on approval of vesting tentative map.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Government Code section 66474.2. However, if section 66474.2 of the Government Code is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subdivision (a), a permit, approval, extension or entitlement may be made

conditional or denied if any of the following are determined:

- (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
- (2) The condition or denial is required, in order to comply with state or federal law.

(c) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in section 17-33. If the final map is approved, these rights shall last for the following periods of time:

- (1) An initial time period of one (1) year from the recordation of the final map. Where final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
- (2) The initial time period set forth in (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.
- (3) A subdivider may apply to the City Council for a one-year extension at any time before the initial time period set forth in (c)(1) expires.
- (4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (c)(1)—(3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. No. 741, § 3-1, 12-10-85)

Sec. 17-42. Development inconsistent with zoning.

(a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. Notwithstanding any other provision of this article or the Subdivision Ordinance, no vesting tentative map shall be ap-